

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ABOUBACAR JALLOH,

Plaintiff,

-against-

THOMAS P. WENDEL,

Defendant.

Index No.: 07 Civ. 4091
(NRB)

ECF CASE

**DEFENDANT'S FIRST
PROPOSED VOIR
DIRE**

**Hon. Judge Naomi R.
Buchwald**

Defendant, THOMAS P. WENDEL, by and through his attorneys, the Law Offices of Harvey & Vandamme, as and for Defendant's First Proposed Voir Dire; respectfully requests the Court inquire of the prospective jurors as follows:

1. Name;
2. Current town, village, or geographical area (neighborhood);
3. How long have you lived at your current address?
4. Do you own or rent your residence?
5. Do you own or lease a motor vehicle?
6. Do you drive a motor vehicle?
7. How long have you lived in the United States?
8. What is the highest level of formal education you completed?
9. What is/are your occupation/s?
10. Are you presently employed?
11. By whom are you employed?
12. What are the occupations of other members of your family, including children and their spouses?

13. If any chauffeurs, taxi drivers, limo drivers, bus drivers, truck drivers, etc., might you identify or sympathize with Mr. Jalloh?
14. If any doctors, nurses, therapists or other health care workers, might you sympathize with Mr. Jalloh?
15. If any lawyers, paralegals, legal secretaries, what areas of practice?
16. Gender and ages of children;
17. What are your hobbies, recreational activities or avocations?
18. Have you ever served on a Federal or State grand jury?
19. Have you ever served on a Federal or State trial jury?
20. Was it a civil case or criminal case?
21. Did the jury reach a verdict?
22. When was your most recent prior jury service?
23. Have you, any relative, or close friend ever sued anyone or made acclaims for personal injury or property damage?
24. Have you, any relative, or close friend ever been sued?
25. Is the suit still pending?
26. If the suit has been resolved, was it resolved to your satisfaction?
27. Have you, any relative, or close friend ever been involved in a motor vehicle accident?
28. If so, was anyone taken from the scene by ambulance?
29. Have you, any relative, or close friend ever sustained an injury or had pain to your/their neck or back?
30. Circumstances of cause and treatment?

31. Have you, any relative, or close friend ever missed time from work as the result of an accident?
32. Have you ever been treated by a chiropractor or physical therapist?
33. Do you think that it is Mr. Wendel's obligation to prove that Mr. Jalloh was not injured?
34. Do you think that by the mere fact that Mr. Jalloh's case is proceeding to trial that he is entitled to receive money damages?
35. Do you think that just because someone is injured they deserve to be compensated?
36. Do you agree that you should follow the law whether you agree with it or not?
37. If you were to find that Mr. Jalloh was injured in the accident, but that under the law he was not entitled to recover money damages, would you hesitate to find for Mr. Wendel and award nothing to Mr. Jalloh?
38. If you ultimately make no award to Mr. Jalloh do you feel that you will have fulfilled your duty as a juror?
39. If you ultimately decide to make an award to Mr. Jalloh, would you hesitate to make a fair and reasonable award?
40. Are you comfortable with judging the credibility of different witnesses?
41. Are you comfortable with judging the credibility of doctors' testimony?
42. Do you think that merely by virtue of their being doctors their testimony should be considered credible?

43. Do you know any of the parties, their lawyers, the lawyers firms, Dr. Robert S. April, Dr. Mark S. McMahon, Dr. Dina Nelson, Med Care Health & Rehabilitation Services?

Dated: New York, New York
July 30, 2008

Yours, etc.

LAW OFFICES OF HARVEY AND VANDAMME

By: 

Mark A. Solomon (2613)

Attorneys for Defendant

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